United Nations S/2004/605

Security Council

Distr.: General
28 July 2004
English
Original: French

Draft resolution

The Security Council,

Recalling its previous relevant resolutions and statements by its President on the situation in the Democratic Republic of the Congo, in particular resolutions 1493 of 28 July 2003 and 1533 of 12 March 2004,

Reaffirming its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all the States in the region,

Reiterating its full support to the Government of National Unity and Transition of the Democratic Republic of the Congo,

Deeply concerned by the ongoing tensions and by the continuation of hostilities in the Eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu, as well as in the Ituri district,

Reaffirming its readiness to support the peace and national reconciliation process, in particular through the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

Welcoming MONUC's readiness to take an active part in the joint verification mechanism whose creation was announced by the Presidents of the Democratic Republic of the Congo and of Rwanda in Abuja, on 25 June 2004,

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

1. *Decides* to extend the mandate of MONUC, as contained in resolutions 1493 and 1533, both adopted under Chapter VII of the Charter of the United Nations, until the 1st of October 2004;

2. *Requests* the Secretary-General to submit a report to the Council, before 16 August 2004, on the execution by MONUC of its mandate;

3. *Decides* to remain actively seized of the matter.

04-44452 (E) 290704

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Report of the Secretary-General concerning the credentials of the representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials, signed on 21 July 2004 by the Minister for Foreign Affairs of the Russian Federation and countersigned by the Director of the Legal Department of the Ministry of Foreign Affairs, stating that Mr. Andrei Ivanovich Denisov has been appointed representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

04-44338 (E) 280704

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Security Council

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Letter dated 27 July 2004 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Further to my letter of 23 July 2004 (S/2004/591), I have instructions from my Government to send to you the attached statement (see annex) as an additional response to the group of experts' report.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Francis K. **Butagira**
Ambassador
Permanent Representative

04-44509 (E) 300704

Annex to the letter dated 27 July 2004 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Statement by the Uganda Government on the report of the Group of Experts on the Democratic Republic of the Congo established by Security Council resolution 1533 (2004)

1. The Government of the Republic of Uganda has welcomed the release of the report of the Group of Experts on the DRC of 21st July 2004 and has noted a number of its important/positive aspects:
   a. The report acknowledges Uganda's security concerns and the continued presence of the allied Democratic Front (ADF) terrorist group in the DRC.
   b. The report also acknowledges the magnitude of the problem in monitoring the flow of illegal arms into the DRC given the long border-line with nine countries, which is formed by lakes, mountains, rivers and impenetrable forests.
   c. The report appreciates that the biggest problem in the DRC is the lack of Governmental control over the entire territory of DRC and the MONUC's capacity to control and monitor borders of both North and South Kivu Province.
   d. The report takes note of the progress in the normalization of relations between the DRC and Uganda.
   e. The report makes good recommendations on the way forward, especially with regard to:

      (i) The need for a more robust deployment of MONUC troops with capacity to monitor airports, lakes, etc under Chapter VII.

(ii) Putting in place confidence building measures and support of joint verification mechanisms involving AU, MONUC and other relevant parties.

II. INITIAL CONCERNS WITH THE PRELIMINARY REPORT OF THE EXPERT GROUP.

2. Methodology.

The mandate of the expert Group requires them to gather and analyse information in co-operation with the governments. It was unfortunate that the Group did not cross-check with the Government of Uganda on the 'findings'. The agreed wrap-up meetings between the Group and Uganda Government Officials did not take place as the Group failed to show up. For example the response to the questionnaire by the Ministry of Defense (ref. Para. 63) was prepared awaiting discussion at the wrap-up meeting.

3. Coverage

The mandate of the Group refers to covering all countries of the region. It is not clear why the Group chose to focus on restricted coverage of fact that the arms flows into the DRC are by air to the reported 450 known air fields, the Group should have looked at the neighboring countries and beyond.

4. Ignoring important components of the DRC problem;

a. Although the Group acknowledges Uganda's security concerns regarding the presence of the ADF terrorist groups in Eastern DRC, it does not make any recommendations on how to deal with such negative forces that continue to be security threats to neighboring countries.

b. The Group emphasizes the problem of armed groups in the Ituri region but fails to make any recommendations on how to deal with such groups including ways to include them in the transitional Government of National Unity.

c. The report acknowledges that part of the problem in Eastern DRC is lack of effective state authority over Ituri by the Government in Kinshasa and yet the group did not find it necessary to make recommendation for strengthening of State institutions of government to cover Eastern DRC Strengthening MONUC or re-appointing the Group of Experts on arms embargo can only be short-term measures.

5. Underplaying Uganda's positive role in creating stability in the eastern DRC.

a. Under the Luanda Agreement 2002, Uganda was instrumental in the establishment of the Ituri Pacification Committee (IPC).

b. The report mentions the work of Artemis in creating stability in 2003 and MONUC's role since September 2003, but fails to

acknowledge the support Uganda gave to the success of Artemis in 2003 and continues to provide airports to facilitate MONUC forces operating in the Ituri region. This deliberate omission has the effect of undermining Uganda's credibility in the Great lakes Region.

c. Uganda has worked with MONUC and the DRC Government to monitor the flow of arms and create stability in Ituri. Failure to recognize and to hold up this co-operative arrangement as a model to stop flow of illegal arms into the DRC exposes the Group's biased motives and misses an opportunity on a case study for the way forward. Indeed, at a briefing in Kampala, on 20th July 2004, MONUC chief of Staff indicated that the Ituri operation is now a model for the whole of the DRC.

6. Factual Errors in the Report

There are a number of factual errors intended to hold Uganda in bad light. For example:

a. That Uganda lacks the radar system to allow tracking flight paths of air-crafts leaving Entebbe Airport/civilians have no oversight over destinations. The fact is that CAA has a radar system covering average 150 nautical miles under the Uganda Civil Aviation Authority (CAA).

b. That Uganda was forced to sign a Bilateral Air Services Agreement (BASA) with DRC in May 2004 (para.64). The fact of the matter is that Uganda Civil Aviation Authority suspended all flights to the DRC in December 2003, only humanitarian flights were allowed, and invited the Government of National Unity in Kinshasa and pushed for the conclusion of the BASA in May 2004. The attempt to turn facts over their heads, therefore, undermines the Group of Experts' credibility and motives.

III. CONCERNING ALLEGATIONS AGAINST UGANDA:

7. The report makes a number of allegations concerning Uganda under the sub-title "Border porosity and Arms Trafficking";

a. That dissident forces in eastern DRC receive financial, logistical and military supply directly or indirectly from officials/business partners operating in cross-border areas (para: 27)

b. That at Arua, Paidha and Mpondwe borders, there are regular nocturnal movements of truck – allegedly carrying weapons and logistic material – across the border into DRC in blatant violation of normal customs, immigration and police procedures. (paras. 31 &33).

c. That Uganda officials assist Chief Kahwa and Chief Kisembo regularly to travel to and from Kampala. The Group of Experts believe complicity in support given to Kahawa's business network on Uganda territory is a violation of the arms embargo "although Kahwa informed the Group that his arms are from Rwanda" – (para 36 box)

d. That in violation or the sanctions regime, chief Kahwa and Commandant Jerome have conspired with Uganda business and political leaders to put in place a network which generates import and transit-related revenue with on-going political, military and financial ties with Uganda (para 38)... Jerome and his men have unimpeded access to Uganda, as a beneficiary of 'flawed goods' system under the Northern Corridor Agreement.

8. Uganda wishes to make the following response:

a. Uganda does not offer any financial, logistical or military support to the dissident groups in Eastern DRC.

b. Uganda does not condone violation of customs procedure at the border. However, customs surveillance at the border with DRC is difficult because of lack of effective state control on the DRC side and lack of adequate capacity by the customs to monitor the 1200 km border dominated by rough terrain and big lakes. Due to lack of effective state control, armed groups control parts of the eastern DRC border posts, which causes insecurity.

c. Uganda has been at the forefront in the search for peaceful solution to the conflict and political stability in Eastern DRC. In this context, DRC militia leaders have often come to Kampala in order to facilitate the peace process between the militia and the Government of National Unity in Kinshasa.

d. There is no UN Security Council requirement of prohibiting free movement of the Congolese leaders in Uganda.

e. With regard to cross border trade, the transit of goods is governed by the regional Northern Corridor Transit System Agreement which can only be reviewed by all the Parties including Kenya and Sudan.

9. **The report also makes allegations regarding "Air Transport and trafficking"**

a. That the Group received credible reports of flights originating from Uganda to Mongbwalu after the embargo went into force (para. 42).

b. That prior to the Bilateral Air Services Agreement (BASA) between Uganda and the DRC in May 2004 the Group tracked flights allegedly originating from Uganda involved in trafficking into areas controlled by the embargoed parties in Ituri (para. 62 – 64).

10. In response, Uganda wishes to state that it is not true that illegal flights from Uganda to Mongbwalu on any other places in Eastern DRC took place. Detailed information on flights was availed to the Group of Experts in June 2001 by the Uganda Civil Aviation Authority.

11. Involvement of Foreign Forces:

The report refers to a claim by FDLR to have a new arms supply chain activated by its representatives in Europe and allied Ugandan Officials through normal border crossings.

12. Uganda does not associate itself with FDLR(Interahamwe) or an other negative forces in the DRC. There is no such supply chain. Indeed there is a Uganda - Rwanda Joint Verification Mechanism to deal with negative forces.

WAY FORWARD

13. Uganda believes that in order to adequately control the flow of illegal arms into Eastern DRC, the international community especially, the UNSC should focus on a number of critical areas:
    a. The need for urgent robust deployment of MONUC to effectively cover the affected areas in Eastern DRC.
    b. Building capacities in terms of personnel and equipment for both MONUC and the neighboring States to ensure effective monitoring of this long border-lines and the numerous airstrips in the DRC.

c. Assisting the Government or National Unity in Kinshasa to strengthen states institutions and structures in Eastern DRC to undertake reconciliation and control/regulate economic activities.

d. Providing guidelines for restriction of movement of certain individuals, if the UN Security Council deems it necessary.

e. Issues of the cross-border trade, review of the Northern Corridor Agreement and role of regional integration in the post-conflict reconstruction could be addressed in the context of the international conference in the Great Lakes Region, scheduled to take place in Dar es Salaam in November/December 2004.

f. Need for sustained focus on the legitimate security concerns of Uganda and other regional neighbors of the DRC.

MINISTRY OF FOREIGN AFFAIRS

KAMPALA

26TH JULY 2004

United Nations S/2004/608

Security Council

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Letter dated 21 July 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the electoral process in Burundi, issued on 19 July 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Dirk Jan **van den Berg**
Permanent Representative of the Kingdom of the Netherlands
to the United Nations

04-44409 (E) 300704

Annex to the letter dated 21 July 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the electoral process in Burundi issued on 19 July 2004 by the Presidency on behalf of the European Union

The European Union is keeping a close watch on the development of the peace process in Burundi. The establishment of the United Nations peacekeeping operation (ONUB) on 1 June 2004 under the direction of the Secretary-General's Special Representative, Carolyn McAskie, constitutes an unprecedented international commitment for Burundi. It is vital that Burundi underpins this international commitment with a political will that is equal to the political, reconstruction and development challenges.

The European Union reiterates its support, in particular its financial support, for the disarmament, demobilization and reintegration process and the reform of the defence and security forces. It is the European Union's wish that all the players involved (the Burundian army, the former armed movements, the World Bank via the Multicountry Demobilization and Reintegration Programme, and the other bilateral and international players) maintain close operational coordination under the auspices of ONUB so that the process can be fully implemented.

In order to maintain the momentum of peace and national reconciliation, the European Union's desire is that electoral process provided for in the Arusha Agreement be set in motion in a decisive credible and reassuring way for all sections of Burundian society.

The European Union considers that the urgent setting up of the Independent National Electoral Commission, the adoption of the electoral code and communal law, and the adoption by referendum of the post-transition Constitution would start the process rapidly and definitively. The European Union remains prepared to provide technical and financial assistance, in close collaboration with ONUB, in implementing the electoral commitments laid down in the Arusha Agreement.

The European Union reiterates its firm support for the mediator, the South African Vice-President, Jacob Zuma, and calls on the various political players in Burundi to conclude rapidly, under his aegis, a definitive agreement on the outstanding issues, and, in particular, certain arrangements for political representation following the forthcoming elections.

The European Union reiterates its appeal yet again to Agathon Rwasa's FNL armed movement to cease armed combat and finally opt for negotiations in order to cooperate in the political and socio-economic reconstruction of the country.

The candidate countries Bulgaria, Croatia,* Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

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* Croatia continues to be part of the stabilization and association process.